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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,648	09/18/2001	Judith F.M. Masthoff	PHGB 000126	7500

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EXAMINER

KE, PENG

ART UNIT PAPER NUMBER

2174

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,648

Applicant(s)

MASTHOFF ET AL.

Examiner

Peng Ke

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 7/26/04.

This action is final.

2. Claims 1-14 are pending in this application. Claims 1 and 7 are independent claims. In the Amendment, filed on 7/26/04, claims 9-14 were added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al. (hereinafter Hoffberg) US-6,400,996, in view of Gram, US-5,760,768.

As per claim 1, Hoffberg teaches a method of customizing a graphical user interface (adaptive interface) for a computer controlled system having at least one selectable parameter, comprising the steps of monitoring the selection of the selectable parameter by a user (past history); determining any pattern of selection (use pattern); devising an optimized arrangement of the parameter selection which matches the pattern of selection; and displaying the optimized arrangement (Abstract, lines 1-21; col. 50, line 53-col. 51, line 14; col. 116, lines 50-64).

Hoffberg does not explicitly teach the providing of actuatable means arranged so that a user can access the actuation to provide input to the display arrangements. However, Gram

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teaches a means that allows a user to accept or change a displayed arrangement (col. 2, line 65 col. 3, line 9).

It would have obvious to one ordinary skill in the art at the time of the invention to combine the teachings of Hoffberg with Gram's step of incorporating user input in order to insure that there is user confirmation and approval of the modified display arrangement.

As per claim 2, Hoffberg teaches the method in which the parameters are displayed as a menu and the order of the parameters in the menu is varied (multiple choices displayed on interface with varying probability, based on user history) (col. 116, lines 37-49, col. 50, lines 53 62).

As per claim 3, Hoffberg teaches the method in which the selectable parameters are channels of a multi-channel television system (various programs/channels are presented as selectable parameters) (col. 116, lines 33-49).

As per claims 4, 5 and 6 Hoffberg teaches the method in which the selectable parameters are processing parameters of an optical processing system that is an x-ray image processing or recording system (medical device interfaces) (col. 131, line 49-col. 132, line 17).

As per claim 7, Hoffberg teaches the computer controlled system having a customizable graphical user interface by which a plurality of parameters can be selected comprising: display means to display the parameters; selection means to select the parameters; monitoring means to monitor the selection of parameters and to devise an optimized arrangement of the parameter selection (Abstract, lines 1-21; col. 50, line 53-col. 51, line 14; col. 116, lines 50-64).y7

Hoffberg does not explicitly teach the providing of actuatable means arranged so that a user can access the actuation to provide input to the display arrangements. However, Gram

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teaches a means that allows a user to accept or change a displayed arrangement (col. 2, line 65col. 3, line 9).

It would have obvious to one ordinary skill in the art at the time of the invention to combine the teachings of Hoffberg with Gram's step of incorporating user input in order to insure that there is user confirmation and approval of the modified display arrangement.

As per claim 8, Hoffberg teaches the system in which the actuatable means is a manual control (user is presented with choices) (col. 116, lines 50-67).

4. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al. (hereinafter Hoffberg) US-6,400,996, in view of Gram, US-5,760,768 further in view of Hochstedler US-6,707,476.

As per claim 9, Hoffberg and Gram teach a method according to claim 1. However, they fail to teach the method in which the selectable parameters are displayed as a menu in the optimized arrangement and the first actuation of the actuatable means arranged accepts the optimized arrangement and second activation of the actuatable means cancels the optimized arrangement.

Hochstedler teaches a method in which the selectable parameters are displayed as a menu in the optimized arrangement and the first actuation of the actuatable means arranged accepts the optimized arrangement and second activation of the actuatable means cancels the optimized arrangement (fig 8, items 162-164, col. 7, lines 48-col. 8, lines 40).

It would have been obvious to an artisan at the time of the invention to include Hochstedler's teaching with the method of Hoffberg and Gram in order to provide user with choices of switching to a new layout or staying with the current layout.

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As per claim 10, Hoffberg, Gram and Hochstedler teach a method according to claim 9. Hochstedler further teaches the method wherein the selectable parameters that are displayed on the menu are arranged in accordance with user preferences (Fig. 7, col. 47-60).

As per claim 11, Hoffberg, Gram and Hochstedler teach a method according to claim 9. Gram further teaches the method wherein the selectable parameters that are displayed on the menu are arranged according to recent usage (col. 2, line 65 col. 3, line 9).

As per claim 12, it is of the same scope as claim 9. (see rejection above)

As per claim 13, it is of the same scope as claim 10. (see rejection above)

As per claim 14, it is of the same scope as claim 11. (see rejection above)

Response to Argument

5. Applicant's arguments filed on 1-8 have been fully considered but they are not persuasive.

Applicant argues that there is not motivation to combine Hoffberg with Gram.

Examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there were multiple motivations suggested by Gram to combine a feature that allows a user to accept or change a displayed arrangement. One of them is to provide a method and system for customizing an application program or computer

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system user interface according to the needs of an individual user. (col. 2 ,lines 60-65). Another is to provide a method and system for providing flexibility in customizing a computer user interface (col. 2, lines 65-68).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

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